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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/988,347

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

11/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/988,347	Applicant(s) OGAWA ET AL.	
	Examiner Geoffrey L. Knable	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/7/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 3, 4, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Landsness (US 4,279,683) or DE 19831747 to Continental alone or (under 35 USC 103(a) only) either of these references taken further in view of Tokunaga et al. (US 5,380,384).

These references are applied for the same reasons set forth in the last office action.

3. Claims 3, 4, 13 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 10-109,506 to Otsu as applied in the last office action.
4. Applicant's arguments filed 8/6/2008 have been fully considered but they are not persuasive as regards the prior art rejections. The previous 35 USC 112, first paragraph rejection has however been withdrawn in view of the amendments made to claim 14.

With respect to the prior art rejections, it is first argued that neither Landsness nor DE '747 to Continental teach or suggest winding of the rubber strip after the radial expansion of the carcass. This argument is unpersuasive. First, it is clear from for example figs. 5 and 6 of Landsness that the green carcass/tire "T" is not cylindrical when wound upon but rather is toroidally shaped. Therefore, for applicant's argument to be correct, it would have to be concluded that the tire was initially built toroidally, thereby not requiring toroidal shaping. However, note again that Landsness suggests

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apparent applicability of the winding process to two-stage building methods in which the carcass is toroidally shaped prior to application of the tread, as typical (e.g. note col. 1, lines 34+). As such, toroidal shaping would have been implicit or certainly an obvious manner to form the shaped carcass prior to winding.

Similarly, DE '747 to Continental¹ discloses a process for making a tire in which the tread and sidewall may be formed by winding an overlapped strip onto a toroidally shaped tire carcass (note esp. col. 3, lines 5-22 of Blickwedel US 6,923,879). In light of this reference to the carcass having "already been shaped" (col. 3, line 21), esp. read in view of col. 1, lines 15+ indicating the classical method includes *toroidal shaping* from cylindrical form, it is considered to be defining that the carcass is shaped/*expanded*. In any event, it is again noted that even if it were not considered to be an explicit disclosure that the carcass is shaped from cylindrical form, such would have certainly been the natural and obvious technique to form the toroidal carcass in light of the reference to shaping/expansion as well as the extremely common, well known and typical nature of a building technique in which the tire is initially built on a cylindrical drum followed by expansion (note also col. 1 of Blickwedel as well as Tokunaga et al.).

Further, although implicit or obvious from Landsness and DE '747 for the reasons detailed above, note again that Tokunaga et al. was applied to further buttress this position of the well known and conventional nature of such a green tire building step, this reference further evidencing that the ordinary artisan understands that it is

¹ as previously noted, DE '747 is apparently equivalent to previously cited Blickwedel (US 6,923,879) - Blickwedel itself was previously withdrawn in view of applicant perfecting priority - portions of this US patent will however be referred to as this is reasonably considered to effectively represent an English translation of DE '747 (e.g. note the shared priority/common figures/etc.).

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particularly desirable to add the sidewall to the tire *after this outward expanding step* (as in Landsness and DE '747) – note esp. figs. 2f-2h and col. 5, lines 39+. As such, even if not considered implicit in the disclosures of the primary references, outward or toroidal expansion of a cylindrical green carcass would have been understood as representing a typical and standard way in which tires are built and toroidally shaped, it further being known to be advantageous to apply the sidewall after toroidal expansion.

Applicant also points out

“In this regard, even if the tire constitutive member has a complicated shape, this process makes possible the production of the tire constitutive member simply, easily and precisely without being restricted by requirements imposed by conventional tire building processes and/or equipment. Applicants specification, at least at paragraph [0010], discusses these unanticipated advantages of the subject matter of the pending claims.” (page 5 of applicant's response).

This argument has been considered but is unpersuasive as it simply describes the advantages attributed to winding a narrow strip to form the tire member rather than forming the tire member as a full width strip with a splice. Such advantages would follow any method in which a narrow width strip is wound multiple times to form the tire member, such as taught in the primary references. Note also for example col. 1, lines 5-31 of Landsness indicating an understanding of uniformity problems attributed to the presence of such splices and consequently the advantages of forming non-spliced members by strip winding.

Applicant also urges that it is not implicit or obvious that the rubber strip is wound after outward expanding, it being argued that this represents overly broad assertions of what is taught in the references. However, applicant has not specifically disputed why the references cannot be read in this manner. For example, applicant has not disputed

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that the references wind on a shaped carcass. Applicant has likewise not disputed that a typical and well known manner to build tires is to build the carcass cylindrically followed by shaping to toroidal shape for application of the tread (and sidewall - note Tokunaga). Absent some specific convincing arguments as to why the references cannot be read in the manner asserted, an argument simply stating that these are overly broad assertions is unconvincing.

The argument that when a cylindrical carcass is expanded, any winding start positions precision degrade, are not applicable to the primary references which each wind on an already shaped carcass, i.e. not on a cylindrical carcass.

With respect to JP '506, applicant broadly argues that the reference is construed overly broadly but then provides *no specifics* of what conclusions with respect to the teachings of this reference are in error. This rejection is therefore maintained for the reasons of record.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
November 8, 2008